

08/06/08

**S-1**

KHM

Sponsor: Larry Gossett

Proposed No.: 2008-0126

**1 STRIKING AMENDMENT TO PROPOSED ORDINANCE 2008-0126, VERSION**

**2 1**

3 On page 2, beginning on line 17, strike everything through page 20, line 410, and insert:

4 “SECTION 1. Ordinance 1709, Section 1, as amended, and K.C.C. 13.24.010, are  
5 each hereby amended to read as follows:

6 A. Comprehensive plans for water and sewer districts or any other public or private  
7 entities that distribute or obtain water or provide sewer collection or treatment in  
8 unincorporated areas of King County shall be adopted by that entity and approved by the  
9 King County council as a prerequisite for the following:

- 10 1. Operating in unincorporated King County;  
11 2. Approval of annexation proposals;  
12 3. Granting of new right-of-way franchises and right-of-way franchise renewals;  
13 and  
14 4. Approval of right-of-way construction permits, except for emergency permits  
15 issued under K.C.C. 14.44.055.

16 B.1. Except as provided in K.C.C. 13.24.015, such plans shall be reviewed by a  
17 utilities technical review committee established by this chapter before submission to the  
18 King County council for approval by ordinance.

19 2. When reviewing proposals for modified and expanded service area boundaries  
20 for municipal water suppliers, the utilities technical review committee shall consider  
21 whether:

22 a. the municipal water system is in compliance with its comprehensive plan,  
23 including water conservation elements; and

24 b. the municipal water system can meet its duty to provide timely and reasonable  
25 service within its service area as required under chapters 43.20 and 70.116 RCW.

26 C. Only plans consistent with the King County Comprehensive Plan adopted in  
27 K.C.C. Title 20 and corresponding development regulations shall be approved. The  
28 infrastructure system for the existing service area and for the area anticipated to be served  
29 in the future shall be based on the adopted land use map of the Comprehensive Plan. For  
30 the purposes of this subsection C., plans include updated plans, amended plans and other  
31 documentation that may be required under subsection E. of this section.

32 D. A new, fully updated plan shall be submitted every six years, or in conformance  
33 with the cycle of updates required by the state Department of Health or Department of  
34 Ecology, whichever is sooner. Except for water systems proposing a changed service area,  
35 as authorized under RCW 90.03.386, water comprehensive plans shall not be required for  
36 Group A water systems that are not expanding public water systems as defined in WAC  
37 246-290-010.

38 E. The utilities technical review committee may require an updated plan, plan  
39 amendment or other documentation whenever conditions for water or sewer availability  
40 have changed significantly within a water or sewer utility service area. Water and sewer  
41 utilities required to plan under this chapter shall promptly notify King County of any  
42 significant changes affecting service provision.

43 F. Water and sewer comprehensive plans shall include information sufficient to  
44 demonstrate the ability to provide service consistent with the requirements of all applicable  
45 statutes, codes, rules and regulations.

46 G.1. Water comprehensive plans shall be consistent with the Washington state  
47 Department of Health planning requirements under chapter 246-290 WAC and with the  
48 planning criteria in its “Water System Planning Handbook” or its successor document.  
49 Water comprehensive plans shall also include an evaluation of reclaimed water  
50 opportunities, as required by RCW 90.46.120.

51 2. The county shall not approve a water system plan with a proposed service area  
52 where the water system is unable to provide service for one or more of the reasons  
53 identified in RCW 43.20.260. Nothing in this subsection G. prohibits the county from  
54 approving a modified or expanded service area boundary for the water system to correct  
55 problems and provide reliable potable water service within the proposed modified service  
56 area.

57 H. Sewer comprehensive plans shall be consistent with WAC 173-240-050. In  
58 addition, the plans shall discuss the following:

59 1. Existing and planned flows, both average and peak;

2. Existing and planned flows for any basin discharging into King County's sewage conveyance and treatment system;

3. Amounts of inflow and infiltration to the system, a comparison of those amounts with King County's one-thousand-one-hundred-gallons-per-acre-per-day-standard, and steps being taken to reduce the inflow and infiltration;

4. Areas of concern with respect to corrosion and odor control and steps being taken to reduce their occurrence; and

5. Opportunities for reclaimed water as required under RCW 90.48.112 and 90.48.495.

I. The utilities technical review committee may require additional information to be included as part of a water or sewer comprehensive plan.

SECTION 2. Ordinance 4307, Section 2, as amended, and K.C.C. 13.24.020, are each hereby amended to read as follows:

The director of the department of natural resources and parks, or the director's authorized designee, shall be the official designated by King County for the approvals required by RCW 57.16.010. Director approval shall be based on recommendations provided by department ~~((engineers))~~ staff and the utilities technical review committee.

SECTION 3. Ordinance 13625, Section 22, as amended, and K.C.C. 13.24.035, are each hereby amended to read as follows:

A. All development within the urban growth area shall be served by public sewer service except on-site sewage systems may be allowed temporarily in some parts of the urban growth area in accordance with K.C.C. 13.24.136 ~~((and 13.08.070))~~.

82 B. Public sewer service shall also be provided in rural towns when the service  
83 provision has been approved by King County. As of the effective date of this section,  
84 only the rural town of Vashon has been approved for public sewer service.

85 C. Public sewer service shall not be provided outside the urban growth area or  
86 any rural town designated to receive the service, except as described in K.C.C. 13.24.134.

87 D. Sewer extensions under subsections A.((2)) and C. of this section shall be  
88 approved by the council, if it is determined that the extension meets the criteria in this  
89 section and is consistent with all other adopted King County policies and regulations.  
90 Decisions on sewer extensions in rural or resource areas shall be made by the council in  
91 the form of a sewer comprehensive plan or an amendment to a sewer comprehensive  
92 plan.

93 E. The required elements of a sewerage general plan in RCW 36.94.010(3) are  
94 included in the 1994 King County Comprehensive Plan and its technical appendix, as  
95 adopted in K.C.C. Title 20.

96 SECTION 4. Ordinance 1709, Section 5, as amended, and K.C.C. 13.24.060, are  
97 each hereby amended to read as follows:

98 Comprehensive plans approved by the county shall be consistent with the  
99 following:

100 A. K.C.C. chapter 17.08 relating to the installation of fire hydrants and water  
101 mains;

102 B. State and local health standards;

103 C. The creation and maintenance of logical service areas consistent with

104 the relevant coordinated water system plans approved under chapters 43.20 and 70.116

105 RCW and the duty to serve under RCW 43.20.260;

106 D. Service area boundary requirements as identified in RCW 90.03.386;

107 E. The elimination or prevention, or both, of duplicate facilities;

108 F. The promotion of the most reliable and healthful service to the public,

109 including the delivery of potable water by existing public water systems on a permanent

110 or interim basis whenever feasible;

111 G. The provision of service at a reasonable cost and maximization of the use of

112 existing public facilities;

113 H. The reduction of the number of entities providing sewer or water service in

114 King County that may be achieved through the use of satellite ownership and

115 management and conditional approvals for new water systems under RCW 70.119A.060;

116 I. The King County Comprehensive Plan and other pertinent county adopted

117 plans and policies, including, but not limited to, the King County Flood Hazard

118 Reduction Plan and the King County Emergency Response Plan;

119 J. Coordinated water system plans under chapter 70.116 RCW;

120 K. Basinwide or multibasin water plans, sewerage plans or water and sewerage

121 plans, when approved by the state Department of Ecology and the state Department of

122 Health;

123 L. Applicable state water quality, water conservation and waste management

124 standards;

125 M. The state Water Resources Act, chapter 90.54 RCW;

126 N. The state Growth Management Act, chapter 36.70A RCW;

127 O. Adopted ground water management plans under RCW 90.44.400 and chapter  
128 173-100 WAC;

129 P. Federally approved habitat conservation plans and recovery plans approved in  
130 accordance with the Endangered Species Act;

131 Q Requirements under chapter 77.85 RCW for salmon recovery, water resource  
132 plans adopted in accordance with chapter 90.54 RCW, watershed plans approved in  
133 accordance with chapter 90.82 RCW and regional water supply or water resource  
134 management plans; and

135 R. Applicable requirements to evaluate opportunities for the use of reclaimed  
136 water under chapter 90.46 RCW.

137 SECTION 5. Ordinance 11481, Section 7, as amended, and K.C.C. 13.24.075,  
138 are each hereby amended to read as follows:

139 The department of natural resources and parks may evaluate measures proposed  
140 in utility comprehensive plans and recommend measures to the utilities technical review  
141 committee to implement, as appropriate, ground water management plans and wellhead  
142 protection programs to further protect ground water resources.

143 SECTION 6. Ordinance 1709, Section 6, as amended, and K.C.C. 13.24.080, are  
144 each hereby amended to read as follows:

145 A utilities technical review committee is created consisting of the following  
146 representatives (~~(as appointed by the director of each department)~~):

147 A. Two representatives from the department of natural resources and parks, one  
148 to be appointed by the department's director and one to be the director;

149 B. (~~One representative from~~) The director of the department of transportation or  
150 the director's designee;

151 C. (~~One representative from~~) The director of the department of development  
152 and environmental services or the director's designee;

153 D. (~~One representative from~~) The director of the Seattle-King County  
154 department of public health or the director's designee;

155 E. (~~One representative from~~) The director of the facilities management division  
156 of the department of executive services or the director's designee; (~~and~~)

157 F. One representative from the King County council staff; and

158 G. The county demographer.

159 SECTION 7. Ordinance 1709, Section 7, as amended, and K.C.C. 13.24.090, are  
160 each hereby amended to read as follows:

161 A. The utilities technical review committee shall ensure that the provisions of  
162 K.C.C. 13.24.005 regarding the purposes of this chapter are carried out, and shall be  
163 responsible for providing the notification to tribal governments provided for in K.C.C.  
164 13.20.020 for actions under that section that fall within the authority of the committee.

165 B. The utilities technical review committee shall:

166 1. (~~(¶)~~)Review and make recommendations to the King County executive and  
167 the King County council on the adequacy of all sewer and water system comprehensive  
168 plans and related matters, and (~~(determination of)~~) determine their consistency with the  
169 King County comprehensive plan; (~~(provided, further, that the committee shall h)~~)

170 2. Have the authority to approve additions and betterments to council-approved  
171 sewer and water comprehensive plans without referral to the council in order to serve



developments (~~((which))~~) that have received preliminary approval from the King County council(~~((The utilities technical review committee shall s))~~);

3. Serve as an appeals body to hear issues relating to the creation of new public water systems and the extension of existing public water service within the boundaries of a critical water supply service area as provided for in the utility service review procedures contained in the coordinated water system plans(~~((the key determinant is))~~), based on whether an existing water purveyor can provide service in a timely and reasonable manner (WAC (~~((2248-56-620))~~)). ~~The utilities technical review committee shall i))~~ 246-293-190); and

4. Issue the findings required under K.C.C. 13.24.134, relative to sewer expansion in rural and resource areas. The determination that sewer expansion in rural and resource areas is necessary shall be based on information concerning the feasibility of alternative treatment technologies as provided by the Seattle-King County department of public health.

SECTION 8. Ordinance 1709, Section 8, as amended, and K.C.C. 13.24.100, are each hereby amended to read as follows:

A. The director of the department of natural resources and parks shall designate a representative of the department of natural resources and parks as the chair of the utilities technical review committee.

B. Required copies of all sewer and water comprehensive plans shall be submitted to the King County department of natural resources and parks. The department of natural resources and parks shall have the major responsibility for coordination and support for the utilities technical review committee.

195           (~~(B.)~~) C. Notice of the time and place of the utilities technical review committee  
196 meeting shall be provided to the applicant for comprehensive plan approval prior to the  
197 meeting.

198           (~~(C.)~~) D. The applicant shall have the right to attend or be represented at any and  
199 all meetings upon request.

200           E. The chair may invite the participation of representatives from the Washington  
201 state Department of Health and the Washington state Department of Ecology on an ex  
202 officio basis as appropriate.

203           SECTION 9. Ordinance 11616, Section 12, as amended, and K.C.C. 13.24.136,  
204 are each hereby amended to read as follows:

205           All new development within the Urban Growth Area shall be served by an  
206 adequate public or private sewage disposal system, including both collection and  
207 treatment facilities, as required by K.C.C. 21A.28.030. On-site sewage treatment and  
208 disposal systems shall be permitted in the Urban Growth Area only for single-family  
209 residences or for short subdivisions only on an interim basis and only as follows:

210           A. For existing individual lots, the director of the department of development and  
211 environmental services may authorize individual on-site sewage treatment and disposal  
212 systems given the following findings:

213           1. Application of the requirement of K.C.C. 13.24.035 that all development in  
214 the urban growth area be served by public sewers, would deny all reasonable use of an  
215 individual lot;

216           2. The applicant has submitted a certificate of sewer availability from the most  
217 logical sewer utility accompanied by a letter that demonstrates to the satisfaction of the

director that the requirement to receive public sewer service from the utility is unreasonable or infeasible at the time of construction;

3. The applicant has provided a certificate of future connection from the appropriate utility that certifies that an irrevocable agreement has been entered into with the utility providing that the property shall be connected to public sewers upon availability of such sewers and that the property owner shall pay all costs of connection to the sewer and connection of the roof drainage either to the abandoned on-site sewage drainfield or to septic tank only if completely cleaned out prior to connection. This certificate shall stipulate that the applicant and the applicant's successor's and interest agree to participate in and not protest the formation of a utility local improvement district or local improvement district or utility project that is designed to provide public sewer services to the property. This certificate shall be recorded in the real property records of King County and shall be a permanent condition on the property running with the land until such time as the costs for connection are fully paid to the utility;

4. The abandoned on-site sewage system shall be connected to receive all rooftop runoff once the property is connected to the public sewer; ~~((and))~~

B. For short subdivisions, if:

1. The utilities and technical review committee determines that sewer service is not available in a timely and reasonable manner for property located within the urban growth area;

2. These on-site systems shall be managed by one of the following entities, in order of preference:

240           a.. The sewer utility whose service area encompasses the proposed short  
241   subdivision; or

242           b. The provider most likely to serve the area; or;

243           c. an Onsite Sewage System Maintainer certified by the Seattle-King County  
244   Department of Health;

245           3. The approved short subdivision indicates how additional lots to satisfy the  
246   minimum density requirements of K.C.C. Title 21A will be located on the subject  
247   property if sewers become available in the future;

248           4. There is no further subdivision or short subdivision of lots created under this  
249   section unless the additional lots are served by public sewers; and

250           5. The applicant has provided a certificate of future connection as required by  
251   subsection A.3 of this section.

252           C. The applicant has received approval for an on-site sewage treatment and  
253   disposal system design from the department of public health-Seattle and King County in  
254   accordance with the rules and regulations of the King County board of health, K.C.C.  
255   Title 13.

256           SECTION 10. Ordinance 11616, Section 13, as amended, and K.C.C. 13.24.138,  
257   are each hereby amended to read as follows:

258           A. Standards and plans for utility services in rural areas and the design and scale  
259   of new water facilities that serve the Urban Growth Area but must be located in the rural  
260   area shall be consistent with the needs of long-term low-density residential development  
261   and resource industries in the rural area.

B. Consistent with RCW 90.54.020, 70.116((7)) and 70.119A, existing Group A and Group B water systems with approved water system plans are the preferred means of water service within the Rural Area. New development in the rural area must be served by Group A water systems, Group B water systems or individual private wells in the following priority order:

1. By a Group A water system through direct service, if the proposed development is in an approved service area that has been assigned to a Group A water system through a King County-approved coordinated water system plan or is within the approved service area in the individual water system plan of a Group A water system that has been reviewed by the county and approved by the state and direct service can be provided by that system in a timely and reasonable manner;

2. By a new public water system owned and operated by a Group A water system or by a satellite management agency as provided in RCW 70.119A.060, until direct service can be provided by a Group A water system, if:

a. the proposed development is within the approved service area of a Group A water system, as described in subsection B.1. of this section, and direct service cannot be provided by that system in a timely and reasonable manner; or

b. the proposed development is in the service area of a water system that the county has determined has known quality or quantity problems that threaten public health;

3. By an existing Group A or Group B water system able and willing to provide safe and reliable potable water when it may be done with reasonable economy and efficiency, if the proposed development is not in an approved service area that has been

assigned to a Group A water system through a King County-approved coordinated water system plan, and is not within the approved service area identified in the individual water system plan of a Group A water system that has been reviewed by the county and approved by the state;

4. By a new Group A or Group B water system that meets relevant land use and public health requirements and, if applicable, the provisions of subsection E. of this section; or

5. By a private well that meets relevant land use and public health requirements and, if applicable, the provisions of subsection E. of this section. If the proposed development to be served by the private well is in an approved service area that has been assigned to a Group A water system through a coordinated water system plan approved by the King County council or is within the approved service area in the individual water system plan of a Group A water system that has been reviewed by the county and approved by the state, the county shall condition its approval upon the future connection of the development to the water system when service from that system becomes available.

C. Existing Group A water systems shall not be expanded beyond the total number of lots that the system is ultimately designed to serve, except as otherwise provided in subsection D. of this section.

D. A Group A water system may be established or expanded if:

1. The area has been assigned to a water purveyor through a King County-adopted coordinated water system plan; and

2. Before approval of the new system or system extension, the maximum number of connections has been specified based on the number of previously platted, or otherwise legally divided, lots and the zoning approved for the total rural area being served, and Group A service is financially feasible at the resulting density, as described in an approved water system plan.

E. In a closed basin, as defined by chapters 173-507, 173-508, 173-509, 173-510 and 173-515 WAC, or on Vashon-Maury Island, a private well or a public water system created to provide domestic water for a proposed division or redivision of land and that uses an exempt well under RCW 90.44.050 shall meet the following standards:

1. The proposed division or redivision of land shall be for no more than six lots;
2. Only one public water system may be created to serve the lots created by the proposed division or redivision of land;
3. Only one exempt well may be created to serve the lots created by the proposed division or redivision of land, unless more than one exempt well is required to meet water flow requirements or each lot in the proposed division or redivision of land is at least twenty acres in size; and
4. The private well or public water system shall allow no more than one-half acre of irrigation.

SECTION 11. Ordinance 11616, Section 14, as amended, and K.C.C. 13.24.140, are each hereby amended to read as follows:

- A. All new development in the Urban Growth Area shall be served by:
1. An adequate public or private water supply system, as required by K.C.C. 21A.28.040; and

330           2. ~~((†))~~The appropriate existing Group A water purveyor, unless service cannot  
331 be provided in a timely and reasonable manner as provided in RCW 43.20.260 and  
332 70.116.060 or with reasonable economy and efficiency as provided in RCW 19.27.097.

333           B. Alternative water service shall be permitted on an interim basis, only as  
334 follows:

335           1. For individual lots, the director of the department of development and  
336 environmental services may authorize interim water service from an existing Group B  
337 public water purveyor or the development of an individual well after making the  
338 following findings;

339           a. The applicant has submitted a certificate of water availability from the  
340 appropriate Group A or Group B water purveyor accompanied by a letter from the same  
341 purveyor that demonstrates to the satisfaction of the director that the requirement to  
342 receive water service from the purveyor is unreasonable or infeasible at the time of  
343 construction, which means service cannot be provided in a timely and reasonable manner  
344 in accordance with RCW 43.20.260 and 70.116.060(3)(b) or with reasonable economy  
345 and efficiency as provided in RCW 19.27.097;

346           b. For connections to a Group B water purveyor, ~~((†))~~the applicant has  
347 received a water availability certificate from an existing Group B public water purveyor  
348 or has received pre-application approval for connection to a private well from the Seattle-  
349 King County department of public health in accordance with the rules and regulations of  
350 Title 12 of the Seattle-King County board of health;



c. For development of a new individual well, the applicant is unable to receive water service in a timely and reasonable manner or with reasonable economy and efficiency from any public water system;

d. The applicant has provided a certificate of future connection from the appropriate Group A water purveyor that certifies that an irrevocable agreement has been entered into with the purveyor providing that the property shall be connected to the purveyor's water system upon availability of such water service and that the property owner shall pay all costs of connection. This certificate shall stipulate that the applicant and his grantees agree to participate in and not protest the formation of a utility local improvement district (ULID) or local improvement district (LID) or utility purveyor project that is designed to provide public water services to the property and agree to decommission any well that is abandoned in the process of connection to a Group A water system in conformance with applicable state law. This certificate shall be recorded in the real property records of King County and shall be a permanent condition on the property running with the land until such time as the costs for connection are fully paid to the purveyor; and

~~((d.))~~ e. Application of the standards of this title would otherwise preclude reasonable use of the property.

2. For subdivisions and short subdivisions, interim water service from a new or existing public water system may be approved as follows:

a. The applicant has received approval for the creation of a new public system in accordance with the applicable coordinated water system plan or individual water

373 system plan reviewed by the county and approved by the state, if any, or the applicant has  
374 received a water availability certificate from an existing public water system; and

375 b. The director of the department of development and environmental services  
376 makes the following findings:

377 (1) The applicant has provided a certificate of future connection from the  
378 appropriate Group A water purveyor that certifies that an irrevocable agreement has been  
379 entered into with the purveyor providing that the property shall be connected to the  
380 purveyor's water system upon availability of such water service and that the property  
381 owner shall pay all costs of connection. This certificate shall stipulate that the applicant  
382 and his grantees agree to participate in and not protest the formation of a utility local  
383 improvement district (ULID) or local improvement district (LID) or utility purveyor  
384 project that is designed to provide public water services to the property and agree to  
385 decommission any well that is abandoned in the process of connection to a Group A  
386 water system in conformance with applicable state law. This certificate shall be recorded  
387 in the real property records of King County and shall be a permanent condition on the  
388 property running with the land until such time as the costs for connection are fully paid to  
389 the purveyor;

390 (2) The applicant provides a statement from the Group A public water system  
391 designated to assume the new public water system, or within whose service area the new  
392 system is proposed to be constructed, that it will provide satellite management of the  
393 system or that it has entered into an agreement or contract with a satellite management  
394 agency certified by the state Department of Health to provide water service until it can  
395 provide direct service, as required by RCW 70.119A.060; and

396 (3) Any new public water system will be built to the design standards of the  
397 appropriate Group A water purveyor to which it will be eventually connected.

398 C. Either existing wells or Group B water systems, or both, may serve the lots  
399 that the systems are ultimately designed to serve and shall be managed in compliance  
400 with applicable health regulations.

401 SECTION 12. If any provision of this ordinance or its application to any person  
402 or circumstance is held invalid, the remainder of the ordinance or the application of the  
403 provision to other persons or circumstances is not affected.”

404 **EFFECT:** committee changes are:

405 Page 7, lines 146 through 148: clarifies DNRP appointments to UTRC; and

406 Page 10, line 210; page 11, line 238 through page 12, line 251: clarifies the provisions  
407 under which a on-site sewage disposal system will be allowed in the urban area.

408